

Chief Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL HERNANDEZ, et al.,

Defendants.

NO. CR19-203RSM

SCHEDULING ORDER

On September 8, 2020, Defendant Faustino Islas-Estrada filed a request for a status conference to discuss the impact of COVID-19 on pretrial motions and whether this case could proceed to trial on November 30, 2020. Dkt. 316. Several other defendants and the United States joined the request. Dkts. 317-321 and 323. On September 23, 2020, the Court issued a Minute Order directing the parties to submit briefing on this issue. Dkt. 327. On October 2, 2020, after reviewing the briefing of the parties, the Court determined that a trial continuance was necessary given the COVID-19 pandemic, the number of defendants, and the other procedural circumstances of this case mentioned by the parties. As a result, the Court continued the trial to May 24, 2021, and set a pretrial motions deadline of March 25, 2021. Dkt. 340. In doing so, the Court specifically found that the ends of justice were served by the continuance and outweighed the best interests of the

public and any defendant's right to a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A), and that failure to continue this trial would likely make trial impossible and result in a miscarriage of justice, and would deny counsel for defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §§ 3161(h)(7)(B)(i), (iv). The Court's order also directed the United States to submit "a proposed order setting forth a discovery schedule," *id.*, which the United States has now done.

The Court, having reviewed the record and files in this case, having considered the briefing of the parties referenced above, and being otherwise fully advised, adopts this discovery schedule¹:

Event	Date
Government to continue to provide discovery under Fed. R. Crim. P. 16(a)(1)(A) – (F) and Local CrR 16(a)(1), including its continuing obligations set forth in Rule 16(c)	Ongoing
Defense to provide reciprocal discovery under Rule 16(b)(1)(A) – (B) and Local CrR 16(a)(2), with continuing obligation per rule 16(c); Defense to provide notices of any defenses alleged under Fed. R. Crim. P. 12.1, 12.2 or 12.3	January 29, 2021
Parties to exchange expert discovery under Rules 16(a)(1)(G) and 16(b)(1)(C)	March 11, 2021
Government to identify FRE 404(b) evidence, if any	April 23, 2021
Parties to exchange draft transcripts of recorded calls and/or meetings for proposed use at trial.	April 23, 2021
Parties to exchange objections/proposed revisions to transcripts as to form and content.	May 7, 2021

¹ Government counsel provided this proposed schedule to all the defense attorneys on October 5, 2020 at 11:15 a.m., and requested that they provide any objections by 5:00 p.m., on October 7, 2020. Several counsel responded and provided proposed changes, all of which were incorporated into this proposed schedule.

1	Parties to exchange <i>Jencks</i> Act Fed. R. Crim. P. 26.2 and	May 7, 2021
2	<i>Giglio</i> impeachment materials, including information covered	
3	by Fed. R. Evid. 806 materials <i>except</i> for government	
4	cooperating witnesses or confidential source witnesses.	
5	Parties to exchange all summary exhibits and underlying data	May 10, 2021
6	under Fed. R. Evid. 1006; Parties to provide rebuttal expert	
7	disclosures	
8	Government's Trial Brief, Exhibit List, Witness List and	May 10, 2021
9	Proposed Jury Instructions due (CrR 23.1 and CrR 23.3(a) and	
10	(b), CrR30(a))	
11	Defendants' Trial Brief, Exhibit List, Witness List and	May 14, 2021
12	Proposed Jury Instructions due (CrR 23.1 and CrR 23.3(a) and	
13	(b), CrR 30(a))	
14	Government to produce <i>Jencks</i> Act, Fed. R. Crim. P. 26.2 and	May 14, 2021
15	<i>Giglio</i> impeachment materials, including information covered	
16	by Fed. R. Evid. 806 (if any) for government cooperating	
17	witnesses and/or confidential source witnesses (if any).	
18	All Motions in Limine and Propose Voir Dire due (CrR23.2)	May 14, 2021
19	File proposed trial exhibits (General Order 01-18) and	May 24, 2021, at
20	commence Trial	9:00 a.m.

21 Modifications to the deadlines set forth in this Order may be made by the Court
 22 based on changing circumstances or for other good cause shown.

23 DATED this 13th of October, 2020.

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25 RICARDO S. MARTINEZ
 26 CHIEF UNITED STATES DISTRICT JUDGE

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2 Presented by:

3 BRIAN T. MORAN

4 United States Attorney

5 /s C. Andrew Colasurdo

6 C. ANDREW COLASURDO

7 Assistant United States Attorney

8 /s Marci L. Ellsworth

9 MARCI L. ELLSWORTH

10 Assistant United States Attorney